

## AMENDMENTS TO CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (Currently Amended) A surgical instrument, comprising:  
a member made of a shape memory alloy arranged to be inserted into a patient,  
wherein when a temperature of said member is ~~exposed to an irrigation fluid having~~  
~~changed to have a temperature higher than a body temperature of the patient, following insertion~~  
~~of the member into the patient,~~ the member assumes a predetermined shape to perform a surgical  
function, and  
wherein the shape assumed by the member is a coil shape, the member thereby serving  
as a urological retrieval coil.
2. (Canceled)
3. (Currently Amended) A surgical method, comprising the steps of inserting a surgical  
instrument made of a shape memory alloy into a patient; and causing the surgical instrument to  
assume a predetermined shape by ~~irrigating~~ changing a temperature of the surgical instrument  
~~with irrigating fluid having to~~ a temperature higher than a body temperature of the patient  
~~following insertion of the surgical instrument into the patient, wherein the shape assumed by the~~  
~~member is a coil shape, the member thereby serving as a urological retrieval coil.~~
4. (Canceled)
5. (Currently Amended) ~~An apparatus and method for causing the~~ The surgical instrument of  
claim 1, wherein a distal end of a ~~the~~ surgical instrument is caused to bend and/or twist into said

coil shape when the temperature of ~~a~~the shape memory alloy ~~in the apparatus' structure~~ is increased above its austinitic transition temperature.

6. (Currently Amended) ~~An apparatus and method of Claim~~ The surgical instrument of claim 5, wherein the austinitic transition temperature of the shape memory alloy is adjusted to be several degrees above the typical temperature of a human body (98.6 degrees F).

7. (Currently Amended) ~~An apparatus and method of Claim~~ The surgical instrument of claim 6, wherein a temperature of the shape memory alloy is changed by changing the temperature of ~~the~~an irrigating fluid which surrounds the shape memory alloy.

8. (Currently Amended) ~~An apparatus and method of Claim~~ The surgical instrument of claim 6, wherein a temperature of the shape memory alloy is changed by controlling ~~the~~a magnitude of an electrical current flowing through the shape memory alloy.

9. (Currently Amended) ~~An apparatus and method of Claim~~ The surgical instrument of claim 6, wherein a temperature of the shape memory alloy is changed by controlling ~~the~~an amount of radiant energy incident on or in the vicinity of the shape memory alloy.

10. (Canceled)

11. (Canceled)

12. (Canceled)

13. (New) The surgical method of claim 3, wherein a distal end of the surgical instrument is caused to bend and/or twist into said coil shape when the temperature of the shape memory alloy is increased above its austinitic transition temperature.

14. (New) The surgical method of claim 13, wherein the austinitic transition temperature of the shape memory alloy is adjusted to be several degrees above the typical temperature of a human body (98.6 degrees F).

15. (New) The surgical method of claim 14, wherein a temperature of the shape memory alloy is changed by changing the temperature of an irrigating fluid which surrounds the shape memory alloy.

16. (New) The surgical method of claim 14, wherein a temperature of the shape memory alloy is changed by controlling a magnitude of an electrical current flowing through the shape memory alloy.

17. (New) The surgical method of claim 14, wherein a temperature of the shape memory alloy is changed by controlling a amount of radiant energy incident on or in the vicinity of the shape memory alloy.